

REMARKS

Non-elected claims 16-35 have been canceled. Thus, method claims 1-15 are pending in this application. For reasons stated below, Applicants respectfully submit that the present application is in condition for allowance.

35 USC §102(e)

In the Office Action, claims 1-6 and 11-15 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,228,317 B1 issued to Smith et al..

The Smith patent is assigned to the present assignee, Graham Packaging Company, L.P. and is discussed in Paragraph Nos. 0004-0006 of the present application, as filed. The Examiner states that the Smith patent discloses:

“... supplying an injection molded preform (20) with a neck (20) which remains unchanged during blow molding (See Fig. 1); blow molding the preform to form an intermediate article (23) with an accommodation portion (24) between the neck (20) and the container body and with upper and lower flanges (25, 26) on the accommodation portion, which flanges form a belt-engaging groove (27); engaging the groove (27), which inherently causes friction, with a moving belt which rotates the intermediate article (23) relative to a knife blade (27), thereby cutting the accommodation portion, with neck thereon, from the container body, to form a finished container (10) (See Figs. 2 and 2A).” [Emphasis Added].

As admitted by the Examiner, the Smith patent discloses the use of a blow-molded accommodation portion, which has a pair of flanges that define a groove therebetween, to form the part of the intermediate article that is engaged by a moving belt to control the movement of the intermediate article adjacent a blade. (Also see Paragraph No. 0006 of the present application, as filed.)

Claim 1 of the present application requires an intermediate article having: (a) "a hollow blow-molded container body having a blown annular finish"; (b) "a blow-molded accommodation portion projecting from said blown annular finish"; and (c) "an injection-molded neck portion projecting from said accommodation portion and defining an open top of the intermediate article". Claim 1 also requires the following method step:

"engaging said injection molded neck portion with said drive mechanism to displace said intermediate article within said trimming machine".
[Emphasis Added].

Thus, claim 1 of the present application requires the drive mechanism to engage the injection molded neck portion of the intermediate article, not the blow-molded accommodation portion as taught by the prior art.

As stated in Paragraph No. 0003 of the present application, as filed, injection molding is more accurate in comparison to blow molding, and injection molded articles can be molded within tighter tolerances than blow molded articles. Thus, the injection molded neck portion of the intermediate article can be molded within greater tolerances and possesses greater dimensional stability relative to the blow-molded accommodation portion. Engaging the injection molded neck portion instead of the blow-molded accommodation portion enables more accurate control of the intermediate article by the drive mechanism which provides improved trim consistency and quality.

Applicants' respectfully submit that claim 1 of the present application is not anticipated by the Smith patent because the Smith patent fails to disclose a method in which the injection molded neck portion of the intermediate article (and not the groove of the blow-molded

accommodation portion) is engaged by the drive mechanism to displace the intermediate article within the trimming machine.

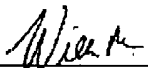
For this reason, Applicants respectfully request removal of the §102(c) rejection based on the Smith patent.

Therefore, Applicants submit that the above referenced rejection has been overcome and that independent claim 1, and dependent claims 2-15, are in a condition for allowance.

The issuance of a Notice of Allowance is respectfully requested.

Please charge any deficiency or credit any overpayment for entering this Amendment to our deposit account no. 08-3040.

Respectfully submitted,
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